

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

SEBASTIAN E. ARMENTTI ALMADA,

Petitioner,

v.

CHARLES GREEN, *et al.*,

Respondents.

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Civil Action No. 16-8777 (JMV)

MEMORANDUM AND ORDER

VAZQUEZ, United States District Judge

Petitioner, Sebastian E. Armanetti Almada, is an immigration detainee presently detained at the Essex County Correctional Facility in Newark, New Jersey. He is proceeding *pro se* with a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 and has paid the \$5.00 filing fee.

The sole proper respondent in this case is Charles Green, the warden of Essex County Correctional Facility. *See Rumsfeld v. Padilla*, 542 U.S. 426, 434-35 (2004) (finding the sole proper respondent in § 2241 habeas proceeding is the petitioner's immediate custodian). Therefore, the petition will be dismissed as to Respondents Loretta E. Lynch, Jeh Charles Johnson, and Randi Borgen.

In his habeas petition, Petitioner challenges his current immigration detention without a bond hearing. (ECF No. 1.) Petitioner alleges his immigration detention began on May 24, 2016, and is unreasonably prolonged. (*Id.*) “Federal courts have habeas jurisdiction to examine the statutory and constitutional basis for an immigration detention unrelated to a final order of removal.” *Ufele v. Holder*, 473 F. App'x 144, 146 (3d Cir. 2012) (citing *Demore v. Kim*, 538 U.S. 510, 517-18 (2003)); *see also Diop v. ICE/Homeland Sec.*, 656 F.3d 221, 226 (3d Cir. 2011)). In

accordance with Rule 4 of the Rules Governing Section 2254 Cases, applicable to § 2241 cases through Rule 1(b), this Court has screened the habeas petition for dismissal and determined that dismissal without an answer and the record is not warranted.

IT IS therefore on this 19th day of December, 2016

ORDERED that the habeas petition is **DISMISSED WITH PREJUDICE** as to Respondents Loretta E. Lynch, Jeh Charles Johnson, and Randi Borgen; and it is further

ORDERED that the Clerk shall serve a copy of the Petition (ECF No. 1) and this Order upon Respondent Charles Green by regular mail, with all costs of service advanced by the United States; and it is further

ORDERED that the Clerk shall forward a copy of the Petition (ECF No. 1) and this Order to the Chief, Civil Division, United States Attorney's Office, at the following email address: USANJ-HabeasCases@usdoj.gov; and it is further

ORDERED that within forty-five (45) days of entry of this Order, Respondent shall file and serve an answer which responds to the allegations and grounds in the Petition, and which includes all affirmative defenses Respondent seeks to invoke, in addition to any other arguments Respondent may make; and it is further

ORDERED that Respondent shall file and serve with the answer certified copies of all documents necessary to resolve Petitioner's claim(s) and affirmative defenses; and it is further

ORDERED that within thirty (30) days of receipt of the answer, Petitioner may file a reply to the answer; and it is further

ORDERED that within seven (7) days of Petitioner's release, Respondent shall electronically file a written notice of the same with the Clerk; and it is further

ORDERED that the Clerk of the Court shall serve a copy of this Order upon Petitioner by

regular U.S. mail.

s/ John Michael Vazquez
JOHN MICHAEL VAZQUEZ
United States District Judge